

VZCZCXRO6574  
PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR  
DE RUEHAK #2468/01 2771206  
ZNY CCCCC ZZH  
P 041206Z OCT 07  
FM AMEMBASSY ANKARA  
TO RUEHC/SECSTATE WASHDC PRIORITY 3921  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RHMFISS/EUCOM POLAD VAIHINGEN GE  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RUEKJCS/JOINT STAFF WASHDC//J-3/J-5//  
RHEHAAA/NSC WASHDC  
RUEUITH/ODC ANKARA TU//TCH//  
RUEKJCS/SECDEF WASHDC  
RUEUITH/TLO ANKARA TU  
RUEHAK/TSR ANKARA TU  
RUEHAK/USDAO ANKARA TU

C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 002468

SIPDIS

SIPDIS

E.O. 12958: DECL: 10/04/2017  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [OSCE](#) [TU](#)  
SUBJECT: TURKEY: POLITICAL REFORMS STALLED AS GOT FOCUSES  
ON NEW CONSTITUTION

REF: A. ANKARA 1921

[1](#)B. ANKARA 2414

[1](#)C. ANKARA 470

Classified By: Political Counselor Janice G. Weiner, reasons 1.4(b),(d)

1.(C) Summary: Human rights and European Union contacts are disappointed that the Justice and Development Party's (AKP) all-out drive to enact a new "civilian" constitution is delaying needed reform of controversial Turkish Penal Code Article 301 (insulting "Turkishness") and re-passage of a new Foundations Law to improve the rights of non-Muslim religious minorities. They are skeptical of recent reports that AKP plans to imminently amend Article 301. These contacts, along with some Turkish leaders, argue that a truly open and participatory constitutional reform process is impossible under existing laws that are frequently used to stifle free expression. End summary.

-----  
AKP Focused on Constitution  
-----

2.(C) AKP officials have indicated the party has no imminent plans to address Article 301, the Foundations Law, or other political issues associated with Turkey's EU harmonization. AKP MP and Foreign Affairs Committee Chair Murat Mercan recently told the press Turkey remained committed to reform but, in light of the constitutional effort, was unlikely to pass major reforms sought by the EU before the Commission releases its annual progress report on November 6. In contrast, AKP vice chair Dengir Mir Firat told us that re-passing the Foundations Law would be an early parliamentary agenda item. AKP MP Zafer Uskul, chairman of parliament's human rights committee, told us that enacting a new "civilian" constitution is the most effective way to improve people's lives and harmonize with EU standards. The opposition Republican People's Party (CHP) had thwarted AKP's efforts to amend Article 301 during the last government, he explained. Wholesale constitutional revision would circumvent such stonewalling. During a September Reform Monitoring committee meeting, Turkey's Interior and Justice Ministers reportedly stated their unwillingness to amend Article 301.

3.(C) Turkey's EU Secretariat Political Chief Cem Kahyaoglu said that following the July 22 parliamentary elections he

had mistakenly thought the new government would speedily pass long-needed reforms to fulfill old promises and avoid a harshly critical EU progress report. Kahyaoglu believes constitutional reform is necessary and admirable, but is monopolizing AKP's energy. He expects the EU Commission's progress report to describe 2007 as a "lost year" for political reforms.

4.(C) President Gul, Prime Minister Erdogan, and Foreign Minister Babacan have acknowledged the need to amend Article 301. Following an October 3 meeting with Parliamentary Assembly of the Council of Europe (PACE) president Rene van der Linden, Gul said amendment was important because Turkey has been subjected to unfair criticism due to the article. Turkish press has cited an unnamed senior AKP official as saying AKP plans to amend 301 prior to release of the EU report, by requiring prosecutors to obtain permission from a higher authority before initiating a 301 case, and by replacing "Turkishness" with "Turkish nation." Parliament Speaker Toptan indicated to Ambassador October 4 that implementation had indeed proven to be the problem with 301 and would be tackled early on. Other contacts were unaware of any such imminent plans. A representative from the EU Commission's Turkey office noted that Erdogan, Gul, and Babacan had not given a specific timeline for an amendment.

-----  
EU Frustrated by Delay  
-----

5.(C) A representative from the EU Commission's Turkey office told us she is frustrated with the AKP's inaction on Article 301 and the Foundations Law, and concerned that constitutional reform, though necessary, had become a

ANKARA 00002468 002 OF 002

substitute for progress in other areas. Her colleague noted that the Commission's optimism following the July elections has faded. Hopes the GOT would enact key reforms following elections, rather than wrapping all reforms together in a longer constitutional process, were gone. Both contacts questioned the sincerity of AKP's desire to improve freedom of expression, pointing out that Gul emphasized in his October 3 speech to the Council of Europe Parliamentary Assembly that "nobody has been sent to prison under Article 301" (an overused line that does not take into account 301's chilling effect). They said the Commission's annual progress report will acknowledge Turkey's technical progress on some accession issues but point out the GOT's paralysis on critical political issues.

6.(C) Danish DCM Soren Jacobsen and several EU-country diplomats said they expect Turkey's lack of progress in 2007 to strengthen opponents of Ankara's EU accession, such as the Republic of Cyprus and French President Nicolas Sarkozy, who has repeatedly expressed his preference for a "privileged partnership" for Turkey. Our French Embassy contact disagreed, pointing out that French FM Kouchner -- who visits Turkey October 5 -- had convinced Sarkozy not to freeze talks related to Turkey's EU accession. He also noted that Foreign Ministers Kouchner and Babacan had recently agreed to set up a working group to evaluate alternatives for rapprochement between Turkey and the EU.

-----  
Human Rights Community Skeptical  
-----

7.(C) Several human rights contacts were skeptical of AKP's reform strategy. Human Rights Association President Husnu Ondul told us AKP had failed to follow through to ensure the judiciary and bureaucracy implemented the numerous legal reforms Turkey passed in 2004-2005 to convince the EU to invite Turkey's candidacy. Ondul suspects AKP will use a lengthy constitutional reform process to delay other urgently needed but controversial reforms, such as Article 301.

Others, including Turkish Industrialists and Businessmen's Association (TUSIAD) head Arzuhan Yalcindag, maintain that open debate on the constitution is impossible unless Article 301 is scrapped or amended. DTP MP and founding HRA President Akin Birdal agreed that as long as Article 301 exists, Turks will fear expressing their honest opinions. Birdal pointed to the rash of investigations and lawsuits brought against DTP members for expressing their political views on controversial issues (ref C).

-----  
Military Prefers the Slow Lane on Reforms  
-----

8.(U) Lt. General Hilmi Zorlu, head of the Turkish General Staff's (TGS) Planning and Principles Department, reportedly cautioned the government to take a slow approach to EU reforms, during a September inter-agency meeting led by FM Babacan. According to press reports, General Zorlu warned AKP not to take further steps on sensitive issues like Article 301, the Foundations Law or Cyprus.

9.(C) Comment: AKP may be hoping that comprehensive constitutional changes will lay the groundwork for sensitive political reforms such as Article 301 and the Foundations Law -- a strategy that may become apparent once an official draft of AKP's revised constitution is released. But if they indeed slow roll action on key reforms until a revised constitution is in place, they will satisfy no one, save perhaps the military and opposition. End comment.

Visit Ankara's Classified Web Site at  
<http://www.state.sgov.gov/p/eur/ankara/>

WILSON